

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SEVENTH REGION

MICHIGAN CONSOLIDATED GAS CO.

Employer

and

CASE 7-RC-21681

GAS WORKERS LOCAL 80, SERVICE
EMPLOYEES INTERNATIONAL UNION,
AFL-CIO¹

Petitioner

APPEARANCES:

Martin J. Galvin, Attorney, of Detroit, Michigan, for the Employer.
Rodger Webb, Attorney, of Detroit, Michigan, for the Petitioner.

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, hereinafter referred to as the Act, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record² in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

¹ The name of the Petitioner appears as amended at the hearing.

² The parties filed briefs in this matter, which have been carefully considered.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.

The Petitioner currently represents a single bargaining unit of about 840 employees employed in field service, distribution, drafting, dispatching, meter reading, property maintenance, mechanic, stock and transportation³. These bargaining unit employees are located among five facilities in the Detroit and Ann Arbor, Michigan areas. In addition, the Petitioner jointly represents approximately 50 employees employed in production, transmission and storage together with Local 799, International Chemical Workers Union, AFL-CIO. In this regard, the Petitioner is responsible for the production, transmission and storage employees employed in the Southeast Michigan area and Local 799 is responsible for those employed in the rest of the State of Michigan. Finally, the Petitioner represents a group of field service employees employed by Citizens Gas Company in Adrian, Michigan. Citizens Gas Company is a subsidiary of MCN, which is the holding company that owns the Employer. By the filing this petition, the Petitioner primarily seeks an *Armour-Globe*⁴ self-determination election to add approximately 120 full-time and regular part-time credit and collection employees employed in the Detroit area to its existing unit. In the alternative, the Petitioner seeks to represent the credit and collection employees in the Detroit area in a separate bargaining unit. The Employer maintains that an *Armour-Globe* self-determination election to include the credit and collection employees in the existing unit is inappropriate and that the only appropriate unit must include a separate, distinct unit of all full-time and regular part-time credit and collection employees employed throughout the State of Michigan, specifically including those employees employed in the Detroit and Grand Rapids districts. There are approximately 21 credit and collection employees employed in Grand Rapids.

³ The bargaining unit encompasses a wide diversity of work, including employees in traditional trades classifications (mechanics, welders, carpenters, electricians, plumbers); traditional technical classifications (drafters); and production and maintenance, service and clerical classifications (installers, dispatchers, meter readers).

⁴*Globe Machine & Stamping, Co.*, 3 NLRB 294 (1937); *Armour & Co.*, 40 NLRB 1333 (1942).

The Employer is a public utility engaged in the business of the production, transmission, storage, and distribution of natural gas to a number of communities located throughout the State of Michigan. In the course of carrying out this enterprise, the Employer maintains a force of field service and distribution employees, production, transmission, and storage employees, customer service employees, and credit and collection employees. The production, transmission and storage employees operate natural gas wells, transmit natural gas, and maintain storage of natural gas. The field service and distribution employees install, maintain and repair gas mains and service lines, gas meters, trucks and other equipment, and read meters for billings of service provided. The customer service employees work in office settings; they answer customer inquiries by telephone or service customers in person, assembling the information from customers and processing papers necessary to the work of field employees.⁵

The Petitioner has represented field service and distribution employees in the Detroit and Ann Arbor areas (also known as “the Detroit district”) since at least 1939. The field service and distribution employees are employed among five facilities in the Detroit and Ann Arbor areas: (1) the Noble complex (Detroit) which consists of the main Noble building and four annex buildings; (2) the Lynch Road facility (Detroit); (3) the Coolidge facility (Detroit); (4) the Allen Road facility (Melvindale); (4) the Broadway facility (Ann Arbor); and (5) the Michigan Avenue facility (Ann Arbor). Each of these facilities has a general manager for field service and distribution⁶. All general managers report to a director located at the Noble complex who reports to an executive director, also located at the Noble complex. The executive director reports to the vice president of operations for the State of Michigan.

The main Noble building consists of 3 floors, a basement and a garage. Approximately 375 employees, union represented and unrepresented, work at or out of this building. Most of the represented field service and distribution employees work in or out of the main Noble building on the first and second floors. There are also field service and distribution employees employed in at least three of the annex buildings of the Noble complex. There are approximately 70 unrepresented customer service representatives employed on the second floor of the main Noble building. The petitioned-for credit and collection employees, which include field collectors, gas theft employees, closed/back bill employees,

⁵ The Employer does not contend that customer service employees, or any other currently unrepresented group of employees, must be included in any self-determination election or separate bargaining unit found appropriate herein.

⁶ The record indicates that the drafting and metering departments have a separate chain of command consisting of their own general manager, director and vice president of operations.

case management employees, and active account employees are employed on the third floor and in the basement. The main Noble building also houses other unrepresented employees employed in the Employer's labor relations department, insurance and claims division, and codes and standards division. In addition, there is an employee credit union, which is not part of the Employer's operations, inside the main Noble building. The Employer also employs unrepresented administrative employees in finance and benefits and executive office positions at the Guardian Building in Detroit which is located about one mile from the Noble complex.

In Grand Rapids, which is about 150 miles from Detroit, the Employer's field service and distribution employees are represented by Local 132C, International Chemical Workers Union, AFL-CIO⁷. The Detroit and Grand Rapids districts do not adjoin each other since another company, Consumers Energy, provides gas service to customers located between the two districts. The Grand Rapids bargaining unit, consisting of approximately 180 employees, includes the same job classifications as the field service and distribution bargaining unit represented by the Petitioner in the Detroit district as described above, except that the Grand Rapids facility does not employ any drafting employees. All of the Grand Rapids employees represented by Local 132C work at or out of the Wealthy Station facility. There are also some unrepresented employees working at the Wealthy Station facility who are employed as administrative assistants and budget analysts. The 21 credit and collection employees employed in Grand Rapids work exclusively at or out of the Employer's Eastbrook facility, which does not employ any represented field service and distribution employees.

The Employer's credit and collection department has existed since at least 1969. In addition to the petitioned-for credit and collection employees at the Noble building, there are about 12 credit and collection employees employed at the Employer's Seven Mile Road credit center facility and about 6 credit and collection employees employed at the Employer's Eight Mile Road credit center facility who Petitioner seeks to represent. The Seven Mile and Eight Mile facilities are strictly credit centers and do not employ any field service and distribution employees. The Seven Mile and Eight Mile facilities employ credit and collection consultants who are responsible for handling "high-risk" customer accounts, i.e., customers who have a history of non-payment. In addition, the Seven Mile facility employs a staff of about 25 customer service representatives who are responsible for taking phone calls and handling walk-in customers.

⁷ The record indicates that Local 70 and Local 799 of the International Chemical Workers Union, AFL-CIO, represent bargaining units of field service and distribution employees employed in the Muskegon and Northern/Upper Peninsula areas, respectively.

Thomas Stallworth is the director of the entire credit and collection operations in Detroit and Grand Rapids. He reports to Mary Findlay, vice president of customer operations⁸. Findlay reports to the Employer's president, Steve Ewing. Stallworth's office is located on the third floor of the main Noble building and Findlay maintains offices at the Grand Rapids Eastbrook credit and collection facility as well as the Employer's Bridgewater, Michigan facility⁹. In Grand Rapids, the credit and collection department is managed by Mary Healy, who reports directly to Stallworth. Administrative employee Carolyn Burns also reports directly to Stallworth¹⁰. The record indicates that Stallworth visits the Grand Rapids facility about once a month.¹¹

As stated above, a majority of the credit and collection employees work on the third floor and in the basement of the main Noble building.¹² The field collection operations are supervised by Francine Houseworth and Larry Wilson¹³. There are about 27 petitioned-for field collection employees who work in the basement along with the gas theft employees. There are also about three field collectors employed at the Eastbrook credit and collection facility. The field collectors are responsible for visiting customer homes or facilities with delinquent accounts. In this regard, the field collectors might have occasion to communicate with unrepresented customer service employees seeking more detailed information regarding certain customer accounts. The field collectors receive a list of accounts from the active accounts department, which receives billing information via

⁸ Findlay is also responsible for the customer service department, including the phone centers and the walk-in business offices around the state. There are customer service phone centers located at the Seven Mile credit center (approximately 20 phone operators); Noble complex (50 phone operators); Highland Park (25 phone operators); and Bridgewater (60 phone operators). There are business offices located in Petoskey, Traverse City, Muskegon, Ann Arbor, Wyandotte, Dearborn and Hamtramck.

⁹ The Bridgewater facility is mainly an administration building which houses the human resources department, public affairs, marketing, information technology management and customer service phone center.

¹⁰ The parties stipulated that Burns is a confidential employee within the meaning of the Act.

¹¹ The parties stipulated that Stallworth is a manager and/or supervisor within the meaning of Section 2(11) of the Act. There is no dispute that Findlay is also managerial and/or supervisory within the meaning of the Act.

¹² There are also some union represented field service and distribution employees employed in property maintenance operations that work in the basement of the Noble building down the hall from the field collectors.

¹³ The parties stipulated that Houseworth and Wilson are supervisors and/or managers within the meaning of Section 2(11) of the Act.

computer from the billing department¹⁴. The active accounts department downloads the information, including geographical location, to the field collector's "pin collect system" which is a mini-hand-held computer. The field collectors arrive at the facility in the morning and pick up their hand-held computer containing geographical routes and immediately leave the facility and are on-the-road for almost the entire day. In the course of their road work, the field investigators have the ability to shut off gas at the meter based on established criteria for gas shut-down. This shutdown work is also performed by field distribution employees in the course of their job duties. Occasionally, a field collector may encounter an uncooperative violent customer. In this case, a field tech support employee is contacted and advised to contact the police and send out a field distribution employee for shutdown¹⁵. The field collectors generally work 8:00 a.m. to 4:30 p.m., Monday through Friday, as well as some Saturdays. There is scant record evidence of interchange between the Detroit area field collectors and the Grand Rapids field collectors.¹⁶

The gas theft operations within the credit and collection department are currently supervised by Stallworth as the supervisor position is vacant. The petitioned-for gas theft employees are responsible for cases involving unauthorized use of gas. The gas theft employees receive computer-generated "meter investigate" orders from the billing department, customer service department, meter reading, and field service and distribution, showing suspicious activity requiring investigation¹⁷. The Detroit gas theft operations employ a group of about seven investigators who are responsible for visiting residential and commercial dwellings which are suspected of illegal gas activity¹⁸. The Detroit operations also employ two tech support employees and six analysts in the gas theft department. The tech support employees assist the investigators when they are out in the field and assist in handling difficult accounts. The analysts are primarily responsible for billing accounts where theft has been established and scheduling "cut-and-caps", i.e., gas meter shutdowns for the investigators. As

¹⁴ The billing department is located in the Guardian administrative building. Kevin Ball is the director of the billing department, and reports to Rob Kaslik, controller.

¹⁵ The record indicates that these occurrences are infrequent and happen on average about 10 to 15 times a year.

¹⁶ The record refers to only one instance where a field person "may" have transferred from Detroit to Grand Rapids, but there was no explanation as to the circumstances or duration of the transfer.

¹⁷ Gas theft employees are also notified of suspicious gas activity by Detroit Edison representatives during the course of their electrical investigations.

¹⁸ The record is unclear as to whether any gas theft employees are employed at the Grand Rapids Eastbrook facility.

stated above, the field service and distribution employees also perform cut-and-caps. The gas theft employees generally work 8:00 a.m. to 4:30 p.m., Monday through Friday, as well as some Saturdays.

The closed/back bill operations within the credit and collection department are managed and supervised by Curlee Vickers and Anastasia Faremouth, respectively¹⁹. There are about 20 closed/back bill employees sought by the Petitioner employed on the third floor of the Noble building in Detroit, and about 8 employed in Grand Rapids. They handle inactive accounts that remain owing. All of their work is conducted by phone. In this regard, the inactive account phone numbers are downloaded into the “predictive dialer” computer system which makes the phone call and if there is a voice connection, the call is automatically assigned to a closed/back bill employee who then attempts to seek payment on the account. The calls that are transmitted to the employee by predictive dialer could be regarding a Detroit or Grand Rapids account. The computer is able to determine when an inactive account phone number is no longer a valid number and in this situation the computer system notifies a closed/back bill employee that the number is not good and the employee then performs “skip tracing” in which the employee contacts a number of credit bureaus in an attempt to secure a valid phone number. Likewise, if an inactive customer contacts the closed/back bill department, the customer calls a toll-free “800” number which could be answered by either a Detroit or Grand Rapids representative. The record indicates that in the course of their phone duties, the closed/back bill employees engage in routine communication with billing and customer service department employees. The closed/back bill employees work staggered shifts starting at 8:00 a.m., 9:00 a.m. and 11:00 a.m.

The credit and collection department’s case management operations are managed and supervised by Carolyn Mackool and Cheryl Stafford, respectively²⁰. There are about 20 case management employees employed on the third floor of the Noble building in Detroit and about 2 employed in Grand Rapids. These employees work with low-income customers. They receive their cases primarily by referral from customer service, field collection or customer call-ins. Like the closed/back bill employees, the case management employees conduct all of their work by phone using the predictive dialer system. Thus, the Detroit employees handle Grand Rapids accounts and vice versa.

¹⁹ The parties stipulated that Vickers and Faremouth are managers and/or supervisors within the meaning of Section 2(11) of the Act.

²⁰ The parties stipulated that Mackool and Stafford are managers and/or supervisors within the meaning of Section 2(11) of the Act.

The active accounts operations in the credit and collections department are managed and supervised by Carolyn Mackool and Donna Smith, respectively²¹. There are about 14 active accounts employees employed in the Noble building in Detroit²². They work with active high-sensitivity accounts such as churches, shelters, hospitals and apartment complexes which have significant balances due and owing. Three of the active account employees work in the field attempting to resolve difficult collection cases. They are also responsible for downloading account information to the billing department and to the field collectors for investigation in the field.

The Seven Mile and Eight Mile credit center operations are managed by Jack Morris, and supervised by Vickey Griffin and S. Donaldson, respectively²³. As stated above, there are about 18 credit and collection employees employed at the Employer's Seven and Eight Mile credit center facilities, all of whom are responsible for handling high-risk accounts. There are five employees employed at the Grand Rapids Eastbrook facility who perform similar work. These employees receive account information from the customer service and/or billing departments. Most often the account information is sent via computer or, occasionally, by telephone contact. These employees work 8:30 a.m. to 5:30 p.m.

Regarding the Grand Rapids credit and collection employees, the record indicates that Manager Healy and Supervisor Vickery are responsible for the hiring of any Grand Rapids credit and collection employees, subject to the final approval of Stallworth. In this regard, Healy and Vickery interview applicants, make job offers and determine starting pay rates pursuant to established pay guidelines. Healy and Vickery are also authorized to issue discipline on their own and any discipline issued up to three points pursuant to the Employer's established disciplinary guidelines is not subject to any review by Stallworth. While Healy and Vickery also possess the authority to discharge Grand Rapids employees, all discharges are subject to the final approval of Stallworth and Findlay. Healy and Vickery also possess authority to complete employee performance evaluations and recommend wage increases, which are generally accepted by Stallworth without additional comment or investigation. All Grand Rapids credit and collection work assignments are made by Healy and Vickery, who also possess authority to schedule and approve overtime work. Personnel files for all credit and collection

²¹ The parties stipulated that Smith is a supervisor and/or manager within the meaning of Section 2(11) of the Act.

²² The record is unclear as to whether any active accounts employees are employed at the Grand Rapids Eastbrook facility.

²³ The parties stipulated that Morris, Griffin and Donaldson are managers and/ or supervisors within the meaning of Section 2(11) of the Act.

employees in Detroit and Grand Rapids are maintained in the human resource records center located on the eighth floor of the Guardian Building in Detroit.

Within the credit and collection department specifically, there is an “employee of the month” program in which employees can earn up to \$250 and receive a lunch date with Employer President Steve Ewing. The Employer also has a year-end corporate incentive program in which the top 30 per cent employee performers in the entire credit and collection operations can earn up to \$2,000, plus stock options. The Detroit and Grand Rapids offices are grouped together for purposes of the year-end incentive program. The represented field service and distribution employees are also eligible for monetary bonuses and stock options under the Employer’s corporate incentive program.

All of the credit and collection employees are hourly paid. Their pay ranges are set by the compensation department and range from about \$17,700 to \$75,600 annually. Pay raises are based on employee competency ratings. Credit and collection employees are evaluated for competency periodically, about every 12 to 18 months, by their immediate supervisor and all pay changes are signed off by a manager, Stallworth and Human Resources Consultant Jean Matievich. There is a benefit handbook which applies to all credit and collection employees alike. Credit and collection employees receive health and dental insurance, retirement, vacation, holiday pay, funeral leave, and adoption assistance benefits. There are work rules and unacceptable conduct guidelines which apply specifically to the credit and collections operations²⁴. The field service and distribution employees’ wages, benefits and work rules are set pursuant to the parties’ collective bargaining agreement. Employees from the credit and collection department have transferred to positions within the existing bargaining unit. There is an interdepartmental job posting procedure for all credit and collection employees as well as a company-wide job posting procedure for all non-union and union positions. Although two credit and collection department employees at the Noble building applied for job openings in Grand Rapids, there is no evidence either was transferred.

The represented field service and distribution employees are required to successfully complete pre-employment testing prior to their initial hire. This testing is provided at the Employer’s Melvindale training center. Once hired, the field service and distribution employees engage in ongoing training in their specific areas at the Melvindale training center. The credit and collection employees are primarily trained on-the-job and rarely receive any training at the

²⁴ The credit and collection employees are also required to sign a consent form to have their phone calls taped and monitored, and sign an acknowledgement form agreeing to be rotated to any other credit and collection job at the Employer’s request.

Melvindale facility.²⁵ Some of the represented field service and distribution employees are required to wear a company-issued uniform consisting of blue pants and a blue shirt containing the Employer's name. Other represented field service and distribution employees, such as the drafters, dispatchers and office clerks,²⁶ are not required to wear any uniform. The credit and collection employees are not required to wear any uniform. All employees working in the Noble complex, whether represented or unrepresented, use the same cafeteria, parking lot, employee entrance, restrooms and smoking area.

The Board's long-standing view is that in the public utility industry, the optimal bargaining unit is one which is system-wide. *New England Telephone & Telegraph Co.*, 280 NLRB 162 (1986). In so holding, the Board in *Baltimore Gas & Electric*, 206 NLRB 199, 201 (1973), relied on the fact that the public utility industry "is characterized by a high degree of interdependence of its various segments" and that "the public has an immediate and direct interest" in the maintenance of the essential services that it provides. Thus, particularly to minimize disruptions in essential public services, the Board has been reluctant to fragmentize a utility's operations by finding less than system-wide bargaining units to be appropriate and has done so only under "compelling circumstances." The Board has been willing to find a less than system-wide unit only where "(1) there is no recent history of bargaining on a system-wide basis; (2) the proposed unit encompasses a distinct administrative or geographical subdivision; (3) the Employer invests substantial autonomy in supervisors at the unit level; and (4) no union seeks to represent employees in a larger unit." *Texas Electric Service Co.*, 261 NLRB 1455, 1458 fn. 13 (1982). In finding a less than system-wide unit, the Board has also considered whether the employees in the requested unit "enjoy a community of interest sufficient to make separate bargaining a feasible undertaking." *New England Telephone & Telegraph Co.*, 249 NLRB 1166 (1980). In making a determination that a larger unit is the only appropriate unit, the Board has also relied on whether there exists a high degree of functional integration of operations; whether there is a centralization of administrative function; whether there is a significant amount of employee interchange; and whether the employees perform similar job duties. *New England Telephone & Telegraph Co.*, 280 NLRB at 164; *Eastman West*, 273 NLRB 610 (1984).

Furthermore, although the Board has considered system-wide units to be "optimal" in the utilities industry, this policy has not required broader units than

²⁵ Some of the Detroit credit and collection employees have received training at the Grand Rapids facility, and visa versa.

²⁶ There are office clerical positions in every department represented within the parties' collective bargaining agreement, except for the drafting dept.

dictated by traditional community of interest factors, particularly where no other labor organization seeks to represent a more comprehensive unit and there is no opposing bargaining history. *Deposit Telephone Co.*, 328 NLRB No. 151 (July 27, 1999); *PECO Energy Co.*, 322 NLRB 1074 (1997).

In the instant case, there is substantial history of bargaining by the Employer on less than a system-wide basis based on geographics. Historically, the Petitioner has represented employees only in the Detroit district while other labor organizations have represented employees in Grand Rapids area and in the out-state area. Bargaining units have very much been defined in geographic terms rather than on a state-wide departmental basis as urged by the Employer. In the instant case, Local 132C which represents the field service and distribution employees in the Grand Rapids area, is willing to represent the credit and collection employees employed in the Grand Rapids Eastbrook office. No labor organization seeks to represent the credit and collection employees on a state-wide basis. Also significant is the geographical distance between Detroit and Grand Rapids and that the two districts are not contiguous.

There is considerable autonomy in local supervision at the Detroit and Grand Rapids credit and collection facilities, and none of the credit and collection employees in the Detroit and Grand Rapids facilities share common immediate supervision. Local level supervisors make and direct the daily work assignments of credit and collection employees, perform job appraisals, and recommend competency adjustments and pay increases or decreases. Local supervisors interview candidates and effectively recommend hiring and discipline, and there is no evidence that their recommendations have been rejected. Although employee personnel files are collectively maintained in the human resource records center in Detroit, and Stallworth must approve certain disciplinary actions and all discharges of credit and collection employees, the record is clear that all decisions regarding the work duties, hours, performance, wage increases or decreases, hiring, scheduling, discipline, and other work conditions of the Grand Rapids employees are handled separately by the manager and supervisor of the Grand Rapids facility. The local managers and supervisors of the two facilities are vested with substantial discretion regarding labor relations matters and the method of operation for the credit and collection staffs. See *Executive Resources Associates*, 301 NLRB 400, 402 (1991); *New England Telephone & Telegraph Co.*, 247 NLRB 1277, 1278-1279 (1980).

The Employer contends that the toll-free “800” customer service number used throughout the credit and collection operations, and particularly in the closed case/back bill and case management operations, in which cases can be assigned to either a Detroit or Grand Rapids credit and collection representative, has resulted in more centralized and functionally integrated operations. However, the record is

clear that while a toll-free call from a customer is assigned to and handled by either a Detroit or Grand Rapids credit and collection representative for consultation purposes, if field service is required the case is specifically assigned to an investigator for action on the account in either the Detroit or Grand Rapids district based on the geographical location of the customer. Thus, field collectors and gas theft investigators handle cases only within their geographical location and there is no degree of functionally integrated operations in this regard.

There is little evidence of transfers or interchange of credit and collection employees between the Detroit and Grand Rapids facilities. There is no evidence of any substantial contact or interaction between the two groups of employees in regard to their respective credit and collection responsibilities.

Thus, I find that a multi-facility unit comprised of the Detroit and Grand Rapids credit and collection facilities is not required for the reasons stated above. The Detroit district constitutes a defined segment of the Employer's organization, and a unit of credit and collection employees in the Detroit district can be established without undue disturbance to the Employer's ability to perform its necessary functions. *Deposit Telephone Co.*, 328 NLRB No. 151, slip op. at 2 (July 27, 1999).

The next issue is whether the Detroit area credit and collection employees should be included in the existing unit of field service and distribution employees. The Employer contends that the credit and collection employees do not share a community of interest with the field service and distribution unit. Although there is not a significant amount of employee interchange among the petitioned-for and represented employees, the record does demonstrate a high degree of functional integration of the Employer's operations. The duties of the field collector and gas theft investigators are functionally integrated with those of the field service and distribution employees, many of whom perform like or related duties such as face-to-face communication with customers regarding their gas service and "cut and caps" of gas lines and meters. The field collectors and gas theft investigators in the credit and collection department receive computer-generated information routinely from represented employees such as meter readers and field service and distribution employees. Additionally, the record shows that the field collectors and gas theft investigators regularly receive computer-generated information from the customer service and billing departments, as do the field service and distribution employees. The credit and collection employees and the represented field service and distribution employees work with the same customers and have the same customer base. The credit and collection employees work similar hours, enjoy similar pay and benefit structures, and are subject to some of the same personnel policies as the represented field service and distribution employees.

As stated above, the closed/back bill employees in the credit and collection department perform all of their work by telephone and engage in routine communication with billing and customer service department representatives. Although the closed/back bill employees do not share a strong community of interest directly with any of the represented employees, there is evidence of interaction with the field collection employees such that their inclusion with the other credit and collection department employees is appropriate. For example, a closed/back bill employee may notify a field collector regarding a probate case and request assistance to determine whether a customer is living or deceased. Likewise, there is interaction between the case management employees and field collectors in the credit and collection department in that the case management employees receive many of their cases by referral from field collection. Regarding the active accounts employees in the credit and collection department, the record demonstrates that three of these employees are employed as field investigators and perform many of the same duties as the field collectors in the field collection department. Additionally, the active accounts employees are responsible for downloading account information to the field collectors for investigation in the field. Finally, regarding the credit and collection employees employed at the Employer's Seven Mile and Eight Mile credit centers, there is evidence that these employees perform the same kind of duties as the closed/back bill employees in that they make phone calls to customers regarding bill payment and perform "skip tracing" in the event the customer phone number is invalid.

Thus, I find that the credit and collection employees possess a sufficient community of interest with the field service and distribution employees to be included in the Detroit district unit currently represented by the Petitioner, as urged by the Petitioner, which would less fragmentize the Employer's operations and cause less potential for disturbance of its necessary functions. *PECO Energy Co.*, 322 NLRB 1074, 1079 (1997).²⁷

For the reasons stated above, I conclude that a self-determination election is appropriate for the following voting group:

All full-time and regular part-time credit and collection employees employed by the Employer in the Detroit district, but excluding guards and supervisors as defined by the Act, and all other employees.

²⁷ That is not to say that a separate unit of Detroit district credit and collection employees would not also be appropriate, if the Petitioner so desired. *Overnite Transportation Co.*, 322 NLRB 723 (1996) (There is nothing in the statute which requires that the unit for bargaining be the *only* appropriate unit; the Act requires only that the unit be "appropriate," that is, appropriate to insure to employees in each case "the fullest freedom in exercising the rights guaranteed by the Act.")

Those eligible to vote shall vote as set forth in the attached Direction of Election. If a majority of valid ballots is cast for Petitioner, it will be taken to have indicated the employees' desire to be included in the existing field service, distribution, drafting, dispatching, meter reading, property maintenance, mechanic, stock and transportation unit currently represented by the Petitioner. If a majority of valid ballots is not cast for representation, it will be taken to have indicated the employees' desire to remain unrepresented.

Dated at Detroit, Michigan, this 19th day of November, 1999.

(SEAL)

/s/ William C. Schaub, Jr

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